

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MAURY A. SINGER,

Case No. 2:20-cv-01556-GMN-EJY

Plaintiff,

ORDER

v.

BRIAN WILLIAMS, et al.,

Defendants.

I. DISCUSSION

Plaintiff, who is incarcerated in the custody of the Nevada Department of Corrections (“NDOC”), and proceeding *pro se*, initiated this case with a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.) Upon review, the Court notes that Plaintiff did not sign complaint. (*Id*). Under Rule 11 of the Federal Rules of Civil Procedure, a plaintiff who is not represented by counsel is required to sign every pleading, including a complaint. Fed. R. Civ. P. 11(a). Because Plaintiff did not sign the complaint, the Court cannot consider it.

As such, the Court grants Plaintiff leave to file a fully complete and signed first amended complaint within 30 days. If Plaintiff does not file a complete, signed, first amended complaint, the court will dismiss this case without prejudice.

If Plaintiff chooses to file an amended complaint, he is advised that an amended complaint supersedes (replaces) the original complaint, and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original”); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent amended complaint to preserve them for appeal). Plaintiff’s amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes

1 to pursue in this lawsuit. Moreover, Plaintiff must file the amended complaint on this
2 Court's approved prisoner civil rights form, and it must be entitled "First Amended
3 Complaint."

4 **II. CONCLUSION**


5 For the foregoing reasons, it is ordered that, the Court will not consider Plaintiff's
6 unsigned complaint.

7 It is further ordered that if Plaintiff chooses to file an amended complaint, Plaintiff
8 will file the amended complaint within 30 days from the date of entry of this order.

9 It is further ordered that the Clerk of the Court will send to Plaintiff the approved
10 form for filing a § 1983 complaint, instructions for the same, and a copy of his complaint,
11 (ECF No. 1-1). If Plaintiff chooses to file an amended complaint, he must use the
12 approved form and he will write the words "First Amended" above the words "Civil Rights
13 Complaint" in the caption.

14 It is further ordered that, if Plaintiff does not timely file a complete, signed, amended
15 complaint, the Court will dismiss this case without prejudice.

16 DATED THIS 11 day of June 2021.

17
18 
19 _____
20 Gloria M. Navarro, Judge
21 United States District Court
22
23
24
25
26
27
28